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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Jason Crews,

10 Plaintiff,

11 v.

12 Travel Club Enterprises LCC, et al.,

13 Defendants.
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No. CV-25-00024-PHX-KML

ORDER

15 In January 2025, plaintiff Jason Crews filed his original complaint alleging he
16 received two telemarketing calls from defendants. (Doc. 1 at 6.) Crews served that
17 complaint and summonses on defendants under a method authorized by Federal Rule of
18 Civil Procedure 4. (Doc. 11, 12.) In March 2025, Crews attempted to file an amended
19 complaint that alleged receipt of an additional call, but he did not sign that complaint. (Doc.
20 14.) In April 2025, Crews applied for the entry of default against defendant Travel Club
21 Enterprises LLC. (Doc. 15.) Crews may have intended to apply for default against
22 defendant Alexandra Olson, but he filed a duplicate of his request regarding Travel Club
23 Enterprises instead. (Doc. 17.) In late April 2025, the Clerk of Court entered the default of
24 Travel Club Enterprises. (Doc. 19.)

25 Approximately two months later, the court issued an order informing Crews he had
26 not signed his amended complaint. (Doc. 20.) The court gave Crews the option of either
27 withdrawing his amended complaint or filing a signed version of that complaint. If Crews
28 chose the latter, he was ordered to “serve defendants with [the amended] complaint.” (Doc.

1 20 at 2.) Crews chose to file an amended complaint that included allegations regarding
2 three telephone calls. (Doc. 22 at 6.) The court then reminded Crews he needed to “serve
3 the amended complaint and file proofs of service on the docket.” (Doc. 23.) The court also
4 ordered Crews to seek default judgment if either defendant failed to respond to the
5 amended complaint. Crews filed evidence he had mailed the amended complaint to
6 defendants, meaning he did not serve the amended complaint using a method authorized
7 by Fed. R. Civ. P. 4. (Doc. 24.) No defendant responded but contrary to the court’s order,
8 Crews did not seek entry of default.

9 In August 2025 the court issued another order directing Crews to prosecute his case
10 by seeking entry of default “against each defendant” and default judgment. (Doc. 27 at 1-
11 2.) At that time the court did not investigate whether Crews’s proof of service of the
12 amended complaint was adequate. Inexplicably, Crews applied for entry of default against
13 only Alexandra Olson. (Doc. 28.) Olson’s default was entered and Crews filed a motion
14 for default judgment against both defendants. (Doc. 28-30.)

15 Crews’s motion for default judgment must be denied because he has not complied
16 with the procedural requirements regarding service. Crews properly served the original
17 complaint under Fed. R. Civ. P. 4(e). But Crews then filed an amended complaint that
18 included new allegations regarding a third telemarketing call. That additional call
19 effectively added a new claim that increased the statutory damages available. Such an
20 addition meant Crews needed to serve the amended complaint under a method authorized
21 by Rule 4. Fed. R. Civ. P. 5(a)(2) (“No service is required on a party who is in default for
22 failing to appear. But a pleading that asserts a new claim for relief against such a party
23 must be served on that party under Rule 4.”); *see also Victoria NYC I Inc. v. DGN*
24 *Pharmacy Inc.*, No. 25-CV-975(KAM)(MMH), 2025 WL 2844431, at *10 (E.D.N.Y. Oct.
25 8, 2025) (requiring service under Rule 4 because “the Amended Complaint contains new
26 factual allegations that alter the nature of the relief sought by Plaintiff in this action”).
27 Crews’s attempt to serve the amended complaint via mail on defendants located in Arizona
28 was not sufficient.

1 The amended complaint was not properly served, which requires striking
2 defendants' defaults and denying the motion for default judgment. Assuming Crews still
3 wishes to pursue his claims, he must serve the amended complaint on each defendant by
4 arranging for personal service by a process server. Crews must then file proof of that
5 service. If no defendant responds to the amended complaint, Crews must reapply for entry
6 of default regarding each defendant. And once both defaults have been entered, Crews must
7 immediately move for default judgment. Given the history of this case and Crews's
8 inability to comply with generally-applicable rules and specific court orders, he is given
9 only a short period of time to properly complete service, apply for default, and seek default
10 judgment.


11 **IT IS ORDERED** the Motion for Default Judgment (Doc. 30) is **DENIED**.

12 **IT IS FURTHER ORDERED** the Entry of Default as to Travel Club Enterprises
13 (Doc. 19) and the Entry of Default as to Alexandra Olson are **STRICKEN**.

14 **IT IS FURTHER ORDERED** no later than **January 12, 2025**, plaintiff shall file
15 proof of service for each defendant. That proof of service must reflect service via personal
16 service by a process server.

17 **IT IS FURTHER ORDERED** if neither defendant responds to the amended
18 complaint, no later than **twenty-two days** after service of the amended complaint plaintiff
19 shall file new applications for entry of default. Plaintiff shall file a motion for default
20 judgment within **five days** of the defaults being entered.

21 Dated this 2nd day of January, 2026.

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25 **Honorable Krissa M. Lanham**
26 **United States District Judge**
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